

## Programmatic Agreement for Historic Resources

In November 2004, a programmatic agreement went into effect that will save Maine DOT, Maine Historic Preservation Commission (MHPC), the Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) time and money. The focus of the agreement is to protect historic architectural and archeological resources, as required under Section 106 of the National Historic Preservation Act (NHPA), under a streamlined process specified for FHWA and FTA funded projects throughout Maine.

How does this work?

1) The agreement lists a number of activities under FHWA and FTA programs as exempt from Section 106 consultation. These activities are designated as exempt because the signatories mutually agreed they have little or no potential to affect historic properties. Some of these activities include educational programs, direct replacement of items such as road base and pavement, and selected activities within previously constructed work limits. Activities qualifying for exempt status, as reviewed by Maine DOT Cultural Resource staff, require no further review by other agencies. This could potentially exempt up to 50% of the projects in the DOT's entire work plan.

2) For projects that do require further review, the agreement delegates project review authority to Maine DOT for historic resources. Under NHPA, this authority is granted to federal agencies such as FHWA and FTA and a programmatic agreement is needed to legally transfer this authority. The agreement explains, step-by-step, the new authority DOT will have in Section 106 processing of projects. Essentially, it consolidates the review process by granting DOT direct, decision-making authority (that under the law would reside with the federal agencies) at several steps in the review process.

These two features of the agreement will substantially reduce paperwork needed for processing and its transmittal between agencies, as well as the time it takes for the entire review process. These are great savings for the local agencies involved in this agreement.

Checks and balances are built into the new review process to assure procedures are followed correctly. These include an annual report of exempted projects to MHPC, FHWA, and FTA, designating which exemptions were applied to each project; concurrence with agencies at appropriate steps in processing; Maine DOT staff training; an annual meeting of signatories; and open review at any time of all processes under the agreement by signatories.

For 2005, projects will be screened by Cultural Resource staff as the two-year DOT work plan is published. They will enter the appropriate designations into the project files (Projex), indicating to the project manager and team whether a project is exempt from further review or whether some follow-up processing is needed. For those non-exempt projects, processing will continue until each project is authorized to be advertised.

The Programmatic Agreement for Historic Resources is available for review at the following Maine DOT web site: [http://www.maine.gov/mdot/environmental-office-homepage/other\\_environmental.php](http://www.maine.gov/mdot/environmental-office-homepage/other_environmental.php). For more information or if you have questions, please contact Maine DOT's Environmental Office at env.mainedot@maine.gov or by calling 207-624-3100.